

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

MidFirst Bank,

Plaintiff,

vs.

**Case No.: 2:07-cv-930
Judge George C. Smith**

Paul G. Carter, *et al.*,

Defendants.

ORDER OF CONFIRMATION OF SALE AND DISTRIBUTION

This action is before the Court upon the Notice of Deposit of Foreclosure Sale filed by the Special Master with respect to the property commonly known as 5115 Langcroft Drive, Hilliard, OH 43026, parcel no. 560-244155-00 (the "Property"). The legal description of the Property is attached to this order as Exhibit A, which is incorporated herein by reference.

1. Consistent with section 3.12 of General Order No. 07-03 and section 2329.34 of the Ohio Revised Code, the Court finds that a special reason exists why a county sheriff or the United States Marshal's Office cannot conduct the sale.
2. The Property was sold by the Special Master on May 28, 2009 to MidFirst Bank for the following amount: \$202,948.62.
3. Having carefully examined the proceedings of the officer, the Court finds that the sale of the Property conformed in all respects to the law and the prior orders of this Court and hereby confirms and approves the sale of the Property and these proceedings.

4. The Special Master, within 5 days of the date of this Entry, shall convey the Property to MidFirst Bank by deed according to law free and clear of all liens and encumbrances and shall issue the deed in the following name: MidFirst Bank.
5. The tax mailing address of the purchaser of the Property is as follows: c/o Midland Mortgage Company, 999 NW Grand Boulevard, Suite 100, Oklahoma City, Oklahoma 73118.
6. The prior deed reference with respect to the Property is as follows: Deed dated July 23, 1999, filed July 26, 1999, recorded at Official Instrument Number 199907260188492, Recorder's Office, Franklin County, Ohio.
7. The purchaser of the Property is hereby subrogated to the rights of the mortgagees and lien holders in the Property to the extent necessary to protect the purchaser's title to the Property.
8. The Court hereby grants the purchaser of the Property a writ of possession to put the purchaser in possession of the Property.
9. The Court hereby orders the release of all mortgages and liens held by all parties to this action. As a result, upon recording of a certified copy of this Order in the office of the Franklin County Recorder, each of the mortgages and liens listed on Exhibit B, which is attached to this Order and incorporated herein by reference, shall be ordered released by operation of law. Such mortgages and liens shall be released only to the extent that they encumber the property foreclosed upon in this action and not to the extent that they encumber any other property.
10. Because MidFirst Bank holds a valid and subsisting mortgage on the Property, it need not pay the full amount of the purchase price to the Special Master . Instead,

the bid of MidFirst Bank shall be credited against the amount of the judgment previously entered in its favor. Plaintiff is further ordered to pay the following:

- a. To the County Treasurer, \$0.00 for taxes and assessments due on the Property as represented by tax bill attached as Exhibit C.
11. The following amount shall be applied as a credit toward the amount of the judgment previously entered in favor of the Plaintiff: \$202,948.62.
12. The Clerk is hereby ordered to distribute \$500.00 to the Special Master from the amount placed on deposit by the Plaintiff.
13. Having distributed payment for the appraisals in accordance with section 3.12 of General Order 07-03, the Clerk is hereby ordered to return the balance of the deposit, \$550.00, plus accrued interest, if any, to the Plaintiff.

IT IS SO ORDERED.

/s/ George C. Smith
GEORGE C. SMITH, JUDGE
UNITED STATES DISTRICT COURT

Approved:

/s/ Kevin L. Williams
Kevin L. Williams (0061656)
Manley Deas Kochalski LLC
P. O. Box 165028
Columbus, OH 43216-5028
Telephone: 614-222-4921
Fax: 614-220-5613
Email: klw-f@mdk-llc.com
Attorney for Plaintiff
Loss Mitigation Help: www.mdklossmit.com
MDK File Number: 07-22668

EXHIBIT A

Legal Description of the Property

SITUATED in the State of Ohio, County of Franklin and in the City of Columbus:

Being Lot Number Four Hundred Sixty-four (464), in Hilliard Green Section 6, as the same is numbered and delineated upon the recorded Plat thereof, of record in Plat Book 89, Pages 17 and 18, Recorder's Office, Franklin County, Ohio.

Parcel Number: 560-244155-00

Property Address: 5115 Langcroft Drive, Hilliard, OH 43026

EXHIBIT B

Mortgages and Liens to be Released

1. Mortgage in favor of Union Federal Savings Bank of Indianapolis, 7500 West Jefferson Boulevard, Fort Wayne, IN 46804, from Paul G. Carter and Jennifer Wolfe Carter, Husband and Wife, in the amount of \$171,575.00, filed July 26, 1999, recorded at Official Instrument Number 199907260188501, Recorder's Office, Franklin County, Ohio.

as assigned by Union Federal Savings Bank of Indianapolis to Mortgage Electronic Registration Systems, Inc., G 4318 Miller Road, Flint, MI 48507, by Assignment filed February 8, 2005, recorded at Official Instrument Number 200502080023612, Recorder's Office, Franklin County, Ohio.

as assigned by Mortgage Electronic Registration Systems, Inc. to MidFirst Bank, a Federally Chartered Savings Association, 999 NW Grand Boulevard, Suite 100, Oklahoma City, OK 73118, by Assignment filed January 29, 2007, recorded at Official Instrument Number 200701290016805, Recorder's Office, Franklin County, Ohio.

2. Mortgage in favor of The Huntington National Bank, Department HZ1104, 7450 Huntington Park Drive, Columbus, OH 43236, from Paul G. Carter and Jennifer Wolfe Carter, Husband and Wife, in the amount of \$15,100.00, filed February 27, 2002, recorded at Official Instrument Number 200202270051855, Recorder's Office, Franklin County, Ohio.

EXHIBIT C

Franklin County Treasurer Edward J Leonard

generated on 6/26/2009 4:42:10 PM EDT

Tax Information

Scroll down to view Payment Information

Parcel ID	Address	Index Order	Card(s)
560-244155-00	5115 LANGCROFT DR	Parcel ID	1

Edward J Leonard Franklin County Treasurer REAL ESTATE TAX AND PAYMENT INFORMATION

Current Owner(s) CARTER PAUL G CARTER JENNIFER W	Full Rate 107.450000 Reduction Factor 0.35467900 Effective Rate 69.339779 Tax District 560 COLUMBUS-HILLIARD C.S.D. CDQ Year Tax Lien Flag
Billing Name MIDLAND MORTGAGE FIRST AMERICAN RE TAX SRV 1721 MOON LAKE BLVD #400 HOFFMAN ESTATES, IL 60169	

Assessed Value	Annual Tax	
Land \$14,110		
Improvements \$51,030		
Total \$65,140		\$3,952.20

Current Year Tax Detail

	Prior	Prior-Adj	1 ST Half	1 ST Adj	2 ND Half	2 ND Adj
Orig Tax	\$0.00	\$0.00	\$3,499.65	\$0.00	\$3,499.65	\$0.00
Reduction			\$1,241.25	\$0.00	\$1,241.25	\$0.00
Subtotal	\$0.00		\$2,258.40		\$2,258.40	
10% RB			\$225.84	\$0.00	\$225.84	\$0.00
2.5% RB			\$56.46	\$0.00	\$56.46	\$0.00
Homestead CR			\$0.00	\$0.00	\$0.00	\$0.00
Net Total	\$0.00		\$1,976.10		\$1,976.10	
Penalty / Int	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
RE Chrg	\$0.00		\$1,976.10		\$1,976.10	
RE Paid	\$0.00		\$1,976.10		\$1,976.10	
SA Chrg	\$0.00		\$0.00		\$0.00	
SA Paid	\$0.00		\$0.00		\$0.00	
Total Owed	\$0.00		\$1,976.10		\$1,976.10	
Total Paid	\$0.00		\$1,976.10		\$1,976.10	\$3,952.20
Balance Due	\$0.00		\$0.00		\$0.00	
Future Charge		\$0.00		\$0.00		\$0.00
Future Paid		\$0.00		\$0.00		\$0.00

Detail of Special Assessment

Prior	Prior-Adj	1 ST Half	1 ST Adj	2 ND Half	2 ND Adj
No Records Found					

Future assessment charges are not listed.

Payment Information

Date	Half	Proj	Prior	1 ST Half	2 ND Half	Surplus
06/17/09	2-08		\$0.00	\$0.00	\$0.00	\$1,976.10
06/09/09	2-08		\$0.00	\$0.00	\$1,976.10	\$0.00
01/16/09	1-08		\$0.00	\$1,976.10	\$0.00	\$0.00
06/13/08	2-07		\$0.00	\$0.00	\$1,736.89	\$0.00
01/18/08	1-07		\$0.00	\$1,736.89	\$0.00	\$0.00
06/14/07	2-06		\$0.00	\$0.00	\$1,733.85	\$0.00
01/19/07	1-06		\$0.00	\$1,733.85	\$0.00	\$0.00

Payments received will not show paid until posted